



Central Islip Union Free School District

Board of Education & School District Policy Book

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Section	Section Title	Type
8000	Support Services	Local
Policy	Policy Title	
8650	School District Compliance with Copyright Law	

The Board of Education acknowledges the necessity of complying with federal laws governing the use of copyrighted material.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, video or computer code, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike. It is each staff member's responsibility to comply with the district's copyright procedures. The district is not responsible for violations of the copyright laws by its staff or students.

Use of Copyrighted Materials

It is well-recognized that limited use of copyrighted material for educational purposes, without permission, is allowable under the "fair use" doctrine. In order to determine if the use of copyrighted material is permitted under the fair use doctrine, the following factors must be weighed:

1. The purpose and character of the use (i.e., is it for instructional purposes?);
2. The nature of the copyrighted work (i.e. is it a newspaper article or photograph?);
3. The amount and substantiality of the portion used in relation to the work as a whole (i.e., is it a short excerpt?)
4. The effect of the use upon the potential market for or value of the copyrighted work (i.e. by reproducing it, does it impact the ability of the author/owner to sell it?)

Staff members should consult with Assistant Superintendent for Curriculum and Instruction when they have a question as to the use of copyrighted material or if they need assistance in obtaining proper authorization for the use of material.

Copyrighted Software

1. Duplication of copyrighted software is prohibited, except for a single archival copy not to be used simultaneously with the original. Duplication of documentation is prohibited. The written permission of the publisher must be obtained in order for the original software and its backup to be used simultaneously.
2. The district's computers may not be used to illegally duplicate copyrighted software.
3. Software publishers must be contacted in order to obtain written permission and procedures for making back-up and multiple copies, other than a single archival back-up.
4. A license from the publisher is required to download or network programs to other computers.
5. The use of illegally duplicated software, however obtained, is prohibited in all district facilities.
6. The Building Principal/Supervisor of each school/Program is responsible for establishing practices to enforce this policy.
7. This policy must be posted conspicuously in every computer room, and next to computers that are available for staff and student use.
8. Violations of this policy will be subject to disciplinary action.

Materials Created by District Employees or Others

The district is the holder of the copyright for works made for hire (e.g., materials prepared by an employee within the scope of his/her employment, including instructional texts, tests, answer sheets, etc.). The district shall be considered the author and owner of the copyright unless there is a separate written agreement with the employee that specifies a different arrangement.

When work is specifically commissioned, and the author is not an employee of the district, there shall be a written agreement specifying authorship and copyright arrangements.

The Assistant Superintendent for Curriculum and Instruction is hereby directed to keep accurate records of all materials involving copyright laws and to develop such rules and regulations as he/she may deem appropriate to carry out this policy

1st Reading: October 11, 2011

2nd Reading: November 14, 2011

Adoption date: November 14, 2011

Cross Reference;

4526, Computer Use in Instruction

8630, Computer Resources and Data Management

Reference:

17 U.S.C. §§101; 106; 107; 117; 201; 302

Basic Books, Inc. v. Kinko's Graphics Corp., 758 F. Supp. 1522 (SDNY 1991)

H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. (1976)